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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,758	05/09/2006	Masahisa Masuda	5869-0049	6082
73552 7590 12/04/2009 Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205				
EXAMINER				
NGUYEN, HUY D				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
12/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,758

Applicant(s)

MASUDA ET AL.

Examiner

HUY D. NGUYEN

Art Unit

2627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 11-16 is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Newman (US 5,708,970).

Regarding claim 4, the admitted prior art discloses a communication device, comprising: transmitter circuitry (e.g., part 151) for transmitting a wireless transmission signal; receiver circuitry (e.g., part 150, see fig. 1) for receiving a wireless reception signal; and control circuitry selectively switching the transmitter and receiver circuitry between a stand-by mode where only the receiver circuitry is operational and a communication mode where both the receiver circuitry and the transmitter circuitry are operational (see fig. 1 and the Back ground of the invention, page 3, lines 4-13). The AAPA does not disclose the control circuitry including a tone detector that automatically causes the control circuitry to switch from the stand- by mode to the communication mode when an activation tone is detected in the reception signal. The preceding limitation is taught in Newman (see col. 1, lines 20-23). It would have been obvious to have implemented the teaching of the AAPA with the teaching of Newman in order to save power.

Regarding claims 7, 9-10, the examiner takes official notice that transducers, antenna switches have been known in the art. It would have been obvious to have used transducers, antenna switches since they have been widely used in the art (MPEP 2144.03).

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Newman and Ferianz (US 6,795,549).

Regarding claims 5-6, the AAPA in view of Newman does not teach the tone detector automatically activates/deactivates communication modes. The preceding limitation is taught in Ferianz (see col. 1, lines 6-15). It would have been obvious to have implemented the AAPA in view of Newman with the teaching of Ferianz in order to save energy.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Newman and Yoon (US 2004/0213427).

Regarding claim 8, the AAPA in view of Newman does not teach noise filter. The preceding limitation is taught in Yoon (see claim 6). It would have been obvious to have implemented the AAPA in view of Newman with the teaching of Yoon in order to get rid of noise.

Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-3, the cited prior arts, either alone or in combination, fail to teach a base station comprising the control part further including a tone generator configured to generate and output an activation tone on the wireless transmission signal when the control part is switched from the stand-by mode to the communication mode, the activation tone automatically causing a handset receiving the transmission signal to switch from a reception mode where a handset receiver circuit is coupled to a handset wireless reception part and a handset transmitter is disconnected from a powered off wireless transmission part to a reception and transmission

mode where the handset receiver circuit is coupled to the handset wireless reception part and the handset transmitter is connected to a powered on wireless transmission part, in combination with all of other limitations in the claims.

Regarding claims 11-16, the cited prior arts, either alone or in combination, fail to teach a control section switching between a stand-by mode where the wireless receiver is coupled to the receiver section and the wireless transmitter is powered off and disconnected from the transmitter section and a communication mode where the wireless receiver is coupled to the receiver section and the wireless transmitter is powered on and coupled to the transmitter section, the control section including a transmission/reception switch controller and a voice detector coupled between the transmission/reception switch controller and the transmitter section together configured to automatically switching from the stand-by mode to the communication mode when a voice signal is detected in the transmission signal, in combination with all of other limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed 8/24/2009 have been fully considered but they are not persuasive.

Regarding claim 4, the applicant submitted that Newman does not teach "tone detector".

The examiner responds that “tone” is defined in the applicant’s specification as a frequency signal or just a signal (every signal has a frequency). Therefore, the ambient sound taught in Newman reads on “tone” claimed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY D. NGUYEN whose telephone number is (571)272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art Unit
2627

/Huy D Nguyen/
Examiner, Art Unit 2627